

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Patent Application**

5 Applicants(s): Bagga et al.
Case: 503018-A-01-US (Bagga)
Serial No.: 10/674,288
Filing Date: September 29, 2003
Group: 2135
10 Examiner: Thanhnga B. Truong

Title: Method and Apparatus for Generating and Reinforcing User Passwords

15

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
20 P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

25 Applicants hereby appeal the final rejection dated October 19, 2007, of claims 1 through 33 of the above-identified patent application.

REAL PARTY IN INTEREST

The present application is assigned to Avaya Technology Corporation, as evidenced
30 by an assignment recorded on February 24, 2004 in the United States Patent and Trademark Office at Reel 015012, Frame 0199. The assignee, Avaya Technology Corporation, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

35 There are no related appeals or interferences.

STATUS OF CLAIMS

The present application was filed on September 29, 2003 with claims 1 through 33. Claims 1 through 33 are presently pending in the above-identified patent application. Claims 1-7,

10 and 27-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Moy (United States Patent Number 5,425,102) and further in view of Watkins (United States Patent Number 5,719,560) and claims 8-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Moy in view of Watkins, and further in view of Serpa (United States Patent Number 6,954,862 B2).

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STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

10 Independent claim 1 requires a method (FIG. 4: 400) for generating a password for a user (FIG. 1: 110) (page 4, lines 15-28), comprising: presenting said user with a plurality of hints (page 4, line 29, to page 5, line 9; page 6, lines 8-14; FIG. 4: 410); receiving a user selection of one of said hints (page 6, lines 8-14; FIG. 4: 420); automatically generating a password based on said selected hint (page 6, lines 9-10; FIG. 4: 430); and presenting said selected hint to said user to
15 reinforce said generated password (page 5, lines 3-9; page 6, lines 15-18; FIG. 4: 450).

Claim 8 requires wherein said selected hint is a poem and said generated password has a similar rhyme and meter as said selected poem (page 5, lines 1-3).

Claim 9 requires wherein said plurality of hints includes a plurality of jokes each containing one of a number of different variations for one or more variable words or phrases
20 included in each joke and said generated password includes said variations for said one or more variable words or phrases (page 8, lines 23-27).

Claims 11 and 21 require the step of generating one or more visual images to represent said subset of said words selected by said user (page 10, lines 1-28).

Claims 12 and 22 require the step of generating a sentence to reinforce said subset of
25 said words selected by said user (page 10, lines 14-16).

Claims 14 and 24 require the step of generating one or more visual images to represent said subset of said image icons selected by said user (page 10, lines 1-28)

Claims 15 and 25 require wherein said generated password is a resulting visual image from said selected subset of said image icons (page 10, lines 1-28)

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Claims 16 and 26 require wherein said user is queried about a resulting visual image from said selected subset of said image icons to obtain access to a protected resource (page 10, lines 1-28).

Independent claim 17 requires a method for generating a password for a user (page 7, lines 15-19), comprising: presenting said user with a plurality of poems (page 7, lines 20-22); receiving a user selection of one of said poems (page 7, lines 22-23); and automatically generating a password based on said selected poem, said generated password having a similar rhyme and meter as said selected poem (page 7, lines 23-26).

Independent claim 18 requires a method for generating a password for a user (page 8, lines 23-27), comprising: presenting said user with a plurality of jokes each containing one of a number of different variations for one or more variable words or phrases included in each joke (page 8, lines 25-27); receiving a user selection of one of said jokes (page 9, lines 9-21); and automatically generating a password based on said selected joke, said generated password including said variations for said one or more variable words or phrases (page 9, lines 20-21)

Independent claim 19 requires a method for generating a password for a user (page 10, lines 1-7), comprising: presenting said user with a plurality of icons (page 10, lines 20-24); receiving a user selection of a subset of said icons (page 10, lines 21-23); and automatically generating a password based on said selected subset of said icons (page 10, line 20, to page 11, line 2).

Independent claim 27 requires an apparatus (FIG. 2: 200) for generating a password for a user, comprising: a memory (FIG. 2: 220); and at least one processor (FIG. 2: 210), coupled to the memory, operative to: present said user with a plurality of hints (page 4, line 29, to page 5, line 9; page 6, lines 8-14; FIG. 4: 410); receive a user selection of one of said hints (page 6, lines 8-14; FIG. 4: 420); automatically generate a password based on said selected hint (page 6, lines 9-10; FIG. 4: 430); and present said selected hint to said user to reinforce said generated password (page 5, lines 3-9; page 6, lines 15-18; FIG. 4: 450).

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Moy and further in view of Watkins and claims 8, 9, 11, 12, 14-19, 21, 22, and 24-26 are rejected

under 35 U.S.C. §103(a) as being unpatentable over Moy in view of Watkins, and further in view of Serpa.

ARGUMENT

Independent Claims 1, 17-19 and 27

Independent claims 1 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moy in view of Watkins and claims 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moy in view of Watkins, and further in view of Serpa. Regarding claim 1, for example, the Examiner asserts that Moy teaches a method for generating a password for a user. The Examiner acknowledges that Moy is silent on the capability of *automatically* generating a password.

The Examiner asserts, however, that Watkins teaches this limitation in col. 3, lines 49-59. In this passage, Watkins teaches:

Passwords are either automatically generated, or else each user secretly chooses his or her own password. Automatically generated passwords may be random numbers, or they may be randomly constructed nonsense words such as PEGWIZ or SUDBAI, which are marginally easier to remember.

Thus, Watkins is limited to automatically generating passwords *based on random numbers or nonsense words*. Independent claims 1 and 27 require automatically generating a password *based on said selected hint*. Independent claim 17 requires automatically generating a password *based on said selected poem*, said generated password having a similar rhyme and meter as said selected poem. Independent claim 18 requires automatically generating a password *based on said selected joke*, said generated password including said variations for said one or more variable words or phrases. Independent claim 19 requires automatically generating a password *based on said selected subset of said icons*.

Thus, even as combined in the manner suggested by the Examiner, Moy and Watkins *do not teach every element of the independent claims*. In addition, by employing *random numbers or nonsense words*, Watkins **teaches away** from each aspect of the present invention. Thus, a person of ordinary skill in the art would not combine Watkins with Moy to arrive at the present invention, in the manner suggested by the Examiner.

Furthermore, based on the KSR considerations discussed hereinafter, the combination/modification suggested by the Examiner is not appropriate.

KSR Considerations

An Examiner must establish “an apparent reason to combine ... known elements.”

5 *KSR International Co v Teleflex Inc. (KSR)*, 550 U.S. ___, 82 USPQ2d 1385 (2007). Here, the Examiner asserts that a person of ordinary skill in the art would have been motivated to modify Moy with the teachings of Watkins to “enhance the level of security of methods of automatic verification of personal identity,” (citing the Abstract of Watkins). Watkins, however, *again teaches against* this combination in the remaining portion of the Abstract: “a person can more easily
10 remember cue-response associations *than passwords*.” (emphasis added).

The Examiner also asserts that a person of ordinary skill in the art would have been motivated to modify Moy with the teachings of Watkins to “make it more convenient for a user to use password protection for files and to encrypt files,” (citing col. 1, lines 7-9 of Moy). While the password hints of Moy may improve convenience, Watkins explicitly acknowledges that the
15 passwords based on random numbers or nonsense words are difficult to remember (and thus less convenient, using the terminology of Moy). Again, based on this contradiction, a person of ordinary skill in the art would not combine Moy with Watkins.

The *KSR* Court discussed in some detail *United States v. Adams*, 383 U.S. 39 (1966), stating in part that in that case, “[t]he Court relied upon the corollary principle that when the prior
20 art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.” (*KSR* Opinion at p. 12). Thus, there is no reason to make the asserted combination/modification.

Thus, Moy and Watkins, alone or in combination, do not disclose or suggest *automatically generating a password* based on said selected hint, as required by independent claims
25 1 and 27, do not disclose or suggest *automatically generating a password* based on said selected poem, said generated password having a similar rhyme and meter as said selected poem, as required by independent claim 17, do not disclose or suggest *automatically generating a password* based on said selected joke, said generated password including said variations for said one or more variable words or phrases, as required by independent claim 18, and do not disclose or suggest *automatically*
30 *generating a password* based on said selected subset of said icons, as required by independent claim

19. Applicants respectfully request withdrawal of the Section 103 rejection of the independent claims.

Claims 8, 9, 11, 12, 14-16, 21, 22 and 24-26

Claims 8, 9, 11, 12, 14-16, 21, 22, and 24-26 are rejected under 35 U.S.C. §103(a) as
5 being unpatentable over Moy in view of Watkins, and further in view of Serpa. Regarding claim 8, the Examiner acknowledges that Moy and Watkins are silent on the capability wherein said selected hint is a poem, but asserts that Serpa discloses that “the pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password.” Similarly, regarding claim 9, the Examiner acknowledges that Moy and Watkins are
10 silent on the capability wherein said plurality of hints includes a plurality of jokes, but asserts that Serpa discloses that “the pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password.” The Examiner further asserts that claims 11, 12, 14-16, 21, 22, and 24-26 are rejected with the same rationale applied against claims 8 and 9.

15 Appellants note that none of the cited references disclose or suggest, *nor does the Examiner allege that the cited references disclose or suggest, that the selected hint is a poem and that the generated password has a similar rhyme and meter as the selected poem, that the hints include a plurality of jokes each containing one of a number of different variations for variable words or phrases included in each joke and that the generated password includes variations for
20 variable words or phrases, the step of generating visual images to represent a subset of words selected by a user, the step of generating a sentence to reinforce a subset of words selected by a user, the step of generating visual images to represent a subset of image icons selected by a user, that a generated password is a resulting visual image from a selected subset of image icons, or that a user is queried about a resulting visual image from a selected subset of image icons to obtain
25 access to a protected resource.*

Thus, Moy, Watkins, and Serpa, alone or in combination, do not disclose or suggest wherein said selected hint is a poem and said generated password has a similar rhyme and meter as said selected poem, as required by claim 8, do not disclose or suggest wherein said plurality of hints includes a plurality of jokes each containing one of a number of different variations for one or more
30 variable words or phrases included in each joke and said generated password includes said

variations for said one or more variable words or phrases, as required by claim 9, do not disclose or suggest the step of generating one or more visual images to represent said subset of said words selected by said user, as required by claims 11 and 21, do not disclose or suggest the step of generating a sentence to reinforce said subset of said words selected by said user, as required by
5 claims 12 and 22, do not disclose or suggest the step of generating one or more visual images to represent said subset of said image icons selected by said user, as required by claims 14 and 24, do not disclose or suggest wherein said generated password is a resulting visual image from said selected subset of said image icons, as required by claims 15 and 25, and do not disclose or suggest
10 icons to obtain access to a protected resource, as required by claims 16 and 26.

Conclusion

The rejections of the cited claims under section 103 in view of Moy, Watkins, and Serpa, alone or in any combination, are therefore believed to be improper and should be withdrawn.
15 The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated

Respectfully,



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APPENDIX

1. A method for generating a password for a user, comprising:
presenting said user with a plurality of hints;
5 receiving a user selection of one of said hints;
automatically generating a password based on said selected hint; and
presenting said selected hint to said user to reinforce said generated password.
2. The method of claim 1, wherein said plurality of hints include one or more of
10 textual, audio or visual hints.
3. The method of claim 1, wherein said plurality of hints include one or more of
poems, songs, jokes, pictures or words
- 15 4. The method of claim 1, wherein said generated password is further based on a
user input.
5. The method of claim 1, further comprising the step of presenting said selected
hint and said generated password to said user at enrollment.
20
6. The method of claim 1, further comprising the step of sending said selected hint
to said user as a reinforcement of said generated password.
7. The method of claim 1, further comprising the step of recording said selected hint
25 and said generated password in a record associated with said user.
8. The method of claim 1, wherein said selected hint is a poem and said generated
password has a similar rhyme and meter as said selected poem.
- 30 9. The method of claim 1, wherein said plurality of hints includes a plurality of
jokes each containing one of a number of different variations for one or more variable words or

phrases included in each joke and said generated password includes said variations for said one or more variable words or phrases.

10 The method of claim 1, wherein said plurality of hints includes a plurality of
5 words and said generated password is based on a subset of said words selected by said user.

11 The method of claim 10, further comprising the step of generating one or more visual images to represent said subset of said words selected by said user.

10 12 The method of claim 10, further comprising the step of generating a sentence to reinforce said subset of said words selected by said user.

13 The method of claim 1, wherein said plurality of hints includes a plurality of image icons and said generated password is based on a subset of said image icons selected by said
15 user.

14 The method of claim 13, further comprising the step of generating one or more visual images to represent said subset of said image icons selected by said user.

20 15 The method of claim 13, wherein said generated password is a resulting visual image from said selected subset of said image icons.

16 The method of claim 13, wherein said user is queried about a resulting visual image from said selected subset of said image icons to obtain access to a protected resource.

25 17 A method for generating a password for a user, comprising:
presenting said user with a plurality of poems;
receiving a user selection of one of said poems; and
automatically generating a password based on said selected poem, said generated
30 password having a similar rhyme and meter as said selected poem.

18. A method for generating a password for a user, comprising:
presenting said user with a plurality of jokes each containing one of a number of
different variations for one or more variable words or phrases included in each joke;
receiving a user selection of one of said jokes; and
5 automatically generating a password based on said selected joke, said generated
password including said variations for said one or more variable words or phrases.

19. A method for generating a password for a user, comprising:
presenting said user with a plurality of icons;
10 receiving a user selection of a subset of said icons; and
automatically generating a password based on said selected subset of said icons.

20. The method of claim 19, wherein said wherein said plurality of icons includes a
plurality of words and said generated password is based on a subset of said words selected by said
15 user.

21. The method of claim 20, further comprising the step of generating one or more
visual images to represent said subset of said words selected by said user.

22. The method of claim 20, further comprising the step of generating a sentence to
reinforce said subset of said words selected by said user.

23. The method of claim 19, wherein said plurality of icons includes a plurality of
image icons and said generated password is based on a subset of said image icons selected by said
25 user.

24. The method of claim 23, further comprising the step of generating one or more
visual images to represent said subset of said image icons selected by said user.

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25. The method of claim 23, wherein said generated password is a resulting visual image from said selected subset of said image icons.

5 26. The method of claim 23, wherein said user is queried about a resulting visual image from said selected subset of said image icons to obtain access to a protected resource.

27. A apparatus for generating a password for a user, comprising:
a memory; and
at least one processor, coupled to the memory, operative to:
10 present said user with a plurality of hints;
receive a user selection of one of said hints;
automatically generate a password based on said selected hint; and
present said selected hint to said user to reinforce said generated password.

15 28. The apparatus of claim 27, wherein said plurality of hints include one or more of textual, audio or visual hints.

29. The apparatus of claim 27, wherein said plurality of hints include one or more of poems, songs, jokes, pictures or words.

20 30. The apparatus of claim 27, wherein said generated password is further based on a user input.

25 31. The apparatus of claim 27, further comprising the step of presenting said selected hint and said generated password to said user at enrollment.

32. The apparatus of claim 27, further comprising the step of sending said selected hint to said user as a reinforcement of said generated password.

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33. The apparatus of claim 27, further comprising the step of recording said selected hint and said generated password in a record associated with said user.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.